APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/589,414	06/07/2000	Tunc M. Kahveci	10717RNUS01U	8459

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EXAMINER
NGUYEN, QUANG N

ART UNIT	PAPER NUMBER
2141	

DATE MAILED: 10/01/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

PTO-90C (Rev. 07-01)

-- *The MAILING DATE of this communication appears on the cover sheet with the correspondence address* --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on <u>07 June 2000</u> .

2a)☐ This action is **FINAL**.   2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) <u>1-39</u> is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) <u>1-39</u> is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on <u>16 October 2000</u> is/are: a)☒ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

11)☐ The proposed drawing correction filed on _____ is: a)☐ approved b)☐ disapproved by the Examiner.

    If approved, corrected drawings are required in reply to this Office action.

12)☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

13)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All b)☐ Some * c)☐ None of:

       1.☐ Certified copies of the priority documents have been received.

       2.☐ Certified copies of the priority documents have been received in Application No. _____ .

       3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

14)☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).

    a) ☐ The translation of the foreign language provisional application has been received.

15)☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

1)☒ Notice of References Cited (PTO-892)
2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3)☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ .

4)☐ Interview Summary (PTO-413) Paper No(s). _____ .
5)☐ Notice of Informal Patent Application (PTO-152)
6)☐ Other: .

Detail Action

1.   This Office Action is in response to the Application SN 09/589,414 filed on

06/07/2000. Claims 1-39 are presented for examination.

Claim Rejections - 35 USC § 102

2.   The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that

form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act

of 1999 (AIPA) and the Intellectual Property and High Technology Technical

Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting

directly or indirectly from an international application filed before November 29, 2000.

Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior

to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

3.   **Claims 1-12 are rejected under 35 U.S.C. 102(e) as being anticipated by**

Herman et al. (US 6,341,353), herein after referred as Herman.

4.   As to claim 1, Herman teaches a computer system for managing data exchanges

among plurality network nodes comprising:

a Transactor Server 20 (a Managed Packet Backbone Server "MPBS") provides

transaction and ownership authentication to their clients, who maybe other Transactor

servers, game servers, game users and Transactor users (Herman, Fig. 2, C4: L53-61);

consumer end-users 30 (at least one Customer Premises Equipment "CPE" node

communicable with the Managed Packet Backbone Server "MPBS") comprise terminals

31, 32, and 33, and end-user individuals 35, 36, 37, and 38 communicate with the

Transactor Server 20 (Herman, Fig. 2, C3: L59-64); and

an application service provider 50 (at least one Application Service Provider

"ASP" node communicable with the Managed Packet Backbone Server "MPBS") maybe

a general Internet service provider, a game specific service provider, an open network

market-specific service, a closed or private network service, or any other service

provided over a computer network (Herman, Fig. 2, C3: L59-64 and C4: L7-12); wherein

the Managed Packet Backbone Server "MPBS" (i.e., the Transactor Server 20)

manages transactions among said at least one Customer Premises Equipment "CPE"

node (i.e., consumer end-users 30) and said at least one Application Service Provider

"ASP" node (i.e., application/game service provider 50) (Herman, Fig. 2, C4: L53-61).

5.   As to claims 2-5, Herman teaches the computer system of claim 1 wherein the at

least one CPE (or ASP) node registers with the MPBS and the MPBS issues an

authentication key to the at least one CPE (or ASP) node it registers (Herman, Fig. 3 and corresponding text, C6: L17-26).

6.   As to claims 6-7, Herman teaches the computer system of claims 4-5 wherein the MPBS stores profile information (i.e., the Transactor Server 20 stores consumer account information in the Database 10) pertaining to the at least one CPE (or APS) node it registers (Herman, C1: L55-67, C2: L1-3, C5: L9-12 and C7: L43-46).

7.   As to claims 8-9, Herman teaches the computer system of claim 6 wherein a request from the at least one CPE node to establish a session with the at least one ASP (or another CPE) node is managed by the MPBS (Herman, C6: L47-67 and C7: L1-17).

8.   As to claims 10-12, Herman teaches the computer system of claim 8 wherein:

the Transactor Server 20 validates the Transaction record and contents, e.g., appropriate user ID (private data containing user key, password, etc) and product information (i.e., verifies that the CPE node has a valid authentication key) (Herman, C6: L64-67 and C7: L1-13);

the consumer's TOM sends signals indicating an intent to purchase, along with the appropriate user ID and product information to the vendor's web site, (i.e., one of the at least one CPE nodes initiates a session with one of the at least one ASP nodes by sending a session request to the ASP node) (Herman, C6: L47-51);

the vender's server receives the purchase OK, repackages the existing unite with

the consumer's ID, and then sends the object to the consumer or sends notification of

where to download the object via FTP (i.e., one of the at least one ASP nodes verifies a

received session token and establishes a session with one of the at least one CPE

nodes if the session token is valid) (Herman, C7: L7-17).

Claim Rejections - 35 USC § 103

9.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set
> forth in section 102 of this title, if the differences between the subject matter sought to be patented and
> the prior art are such that the subject matter as a whole would have been obvious at the time the
> invention was made to a person having ordinary skill in the art to which said subject matter pertains.
> Patentability shall not be negatived by the manner in which the invention was made.

10.   Claims 13-39 are rejected under 35 U.S.C. 103(a) as being unpatentable

over Herman, in view of Gregg et al. (US 6,516,416), herein after referred as

Gregg.

11.   As to claim 13, Herman teaches the computer system of claim 12, but does not

explicitly teach one of the at least one CPE nodes sends a session initiation message to

the MPBS upon establishment of a session with one of the at least one ASP nodes.

In the related art, Gregg teaches the clearinghouse (authentication server) stores

client and server identification data, including demographic data, URL data, usage data

and billing information; authenticates the subscriber and server computers before an operating session occurs wherein the client (i.e., CPE) sends a session initiation message (Fig. 18, steps 140-154) to the clearinghouse user authentication server (i.e., MPBS) upon establishment of a session with the application server (i.e., ASP) (Gregg, C17: L19-65).

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to combine the teachings of Herman and Gregg to include the client sending a session initiation message to the authentication server upon establishment of a session with the application server because it would allow the managed (transactor/authentication) server to provide effective authentication and usage tracking for the session.

12.   As to claim 14, Herman-Gregg teaches the computer system of claim 13 wherein the server application invokes the appropriate service function to send the protected content to the user and the server application invokes the transaction monitor to send an end transaction message to the session validator (i.e., one of the at least one CPE (or ASP) nodes sends a session termination event message to the MPBS upon termination of a session) (Gregg, Fig. 19 and corresponding text, C18: L5-9).

13.   As to claim 15, Herman-Gregg teaches the computer system of claim 14 wherein the client messenger invokes the network user tracker to collect all network usage data and sends it to the usage tracking collector which then sends the network usage data to

the clearinghouse's network usage tracking server and the server updates the clearinghouse database with the network usage data (i.e., one of the at least one CPE nodes sends data pertaining to the number and type of data packets received during a session with one of the at least one ASP nodes to the MPBS) (Gregg, Fig. 23 and corresponding text, C19: L54-60).

14.   As to claims 16-18, Herman-Gregg teaches the computer system of claim 15 wherein the MPBS calculates a fee based on the data pertaining to the number and type of data packets exchanged in a session and bills an account associated with one of the at least one CPE or ASP (Herman, C7: L1-6).

15.   Claim 19 is a corresponding managed packet backbone server of claims 1-7, 10 and 15-16; therefore, it is rejected under the same rationale.

16.   Claim 20 is a corresponding CPE node claim of claims 1-2, 4, 10-11 and 15; therefore, it is rejected under the same rationale.

17.   Claim 21 is a corresponding ASP node claim of claims 1, 3, 5 and 10; therefore, it is rejected under the same rationale.

18.   As to claims 22-23, Herman-Gregg teaches a CPE (or ASP) node comprising: a network interface that receives and distributes an integrated multi-media signal (internet

game user/terminals play games over the internet); an applications processing engine that executes software applications resident on said node (CPU that executes game software and web browser software on the terminal); and a memory that holds software applications resident on said node and receives and stores data (storage device, e.g., hard drive that receives and stores the software applications as well as identification data, consumer/product data and transaction data).

19.   Claims 24-26 are corresponding computer program product claims of claims 19-21; therefore, they are rejected under the same rationale.

20.   Claims 27-31 are corresponding method of exchanging data claims of claims 19-21; therefore, they are rejected under the same rationale.

21.   Claims 32-33 are corresponding computer readable data signal claims of claims 19-21; therefore, they are rejected under the same rationale.

22.   Claims 34-39 are corresponding residential access node (RAN) claims of claims 19-22; therefore, they are rejected under the same rationale.

23.   Further references of interest are cited on Form PTO-892, which is an attachment to this office action.
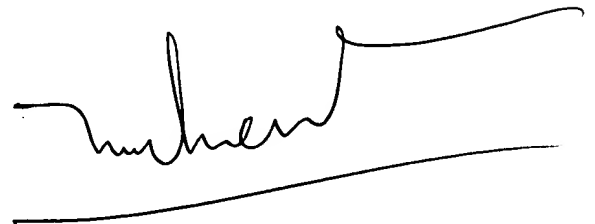
24.   A shortened statutory period for reply to this action is set to expire THREE (3)

months from the mailing date of this communication. See 37 CFR 1.134.

Any inquiry concerning this communication or earlier communications from the

examiner should be directed to Quang N. Nguyen whose telephone number is (703)

305-8190.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

primary, Le H. Luu, can be reached at (703) 305-9650. The fax phone number for the

organization is (703) 746-7239.

Any inquiry of a general nature or relating to the status of this application or

proceeding should be directed to the receptionist whose telephone number is (703) 305-

3800/4700.

Quang N. Nguyen

LE HIEN LUU
PRIMARY EXAMINER